

ERICK MENDEZ, ETAL

Plaintiff(s)

Index # 07 CIV 8428

- against -

Purchased September 28, 2007

NONNA RESTAURANT CORP. D/B/A ROC RESTAURANT, ETAL

Defendant(s)

**AFFIDAVIT OF SERVICE**

STATE OF NEW YORK: COUNTY OF NEW YORK ss:

BARRY F. GERMAN BEING DULY SWORN DEPOSES AND SAYS DEPONENT IS NOT A PARTY TO THIS ACTION, OVER THE AGE OF EIGHTEEN YEARS AND RESIDES IN THE STATE OF NEW YORK.

That on October 4, 2007 at 01:50 PM at

190-A DUANE STREET  
NEW YORK, NY 10013

deponent served the within SUMMONS AND COMPLAINT on ELIO GUAITOLINI - OWNER OF ROC RESTAURANT therein named,

**SUITABLE AGE** by delivering thereat a true copy of each to MARK "SMITH" a person of suitable age and discretion. Said premises is Defendant's actual place of business within the state. He identified himself as the CO-WORKER of the Defendant.

Deponent further states that he describes the person actually served as follows:

Sex	Skin Color	Hair Color	Age (Approx.)	Height (Approx.)	Weight (Approx.)
MALE	WHITE	BLONDE	38	5'10	180

MUSTACHE, GOATEE

**MAILING** Deponent enclosed a copy of same in a postpaid wrapper properly addressed to the Defendant at the Defendant's actual place of business at190-A DUANE STREET  
NEW YORK, NY 10013

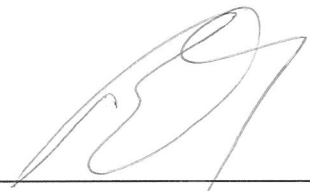
and deposited said wrapper in a post office or official depository under exclusive care and custody of the United States Postal Service within New York State on October 5, 2007 by REGULAR FIRST CLASS MAIL in an envelope marked PERSONAL &amp; CONFIDENTIAL and not indicating on the outside thereof, by return address or otherwise, that the communication is from an attorney or concerns an action against the person to be served.

PERSON SPOKEN TO REFUSED TO STATE TRUE FIRST AND/OR LAST NAMES

**MILITARY SERVICE** Person spoken to was asked whether the Defendant was in the military service of the State of New York or the United States and received a negative reply. Upon information and belief based upon the conversation and observation as aforesaid deponent avers that the Defendant is not in the military service of the State of New York or the United States as that term is defined in the statutes of the State of New York or the Federal Soldiers and Sailors Civil Relief Act.

That at the time of such service deponent knew the person so served as aforesaid to be the same person mentioned and described as the Defendant in this action.

Sworn to me on: October 5, 2007

JOEL GRABER  
Notary Public, State of New York  
No. 02GR4699723  
Qualified in New York County  
Comm. Expires February 10, 2010JONATHAN GRABER  
Notary Public, State of New York  
No. 01GR6156780  
Qualified in New York County  
Comm. Expires December 4, 2010  
**BARRY F. GERMAN**  
License #: 982866  
Invoice #: 448838